IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2086 OF 2005

IN

CRIMINAL WRIT PETITION NO.240 OF 2005

Mrs.Asha Balkrishna Kumbhar ...Applicant

Versus

The Central Bureau of Investigation

& Anr. ...Respondents

.....

Mr.A.S.Khandeparkar for Applicant.

Mr.Ejaz Khan for Respondent No.1.

Mr.A.S.Gadkari, A.P.P. for Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

APRIL 19, 2005.

P.C.

1. Heard Counsel for the parties.

2. By this Application, Applicant, who happens to be the wife of accused, prays that she may be permitted to offer bank guarantee on behalf

of the accused. This prayer is opposed by the learned Counsel for Respondent No.1 on the argument that the Applicant intends to offer bank guarantee against the flat, which stands in the name of accused, which cannot be permitted.

3. There is substance in the objection taken on behalf of the Respondent No.1. However, it will be open to the Applicant to offer bank guarantee, without dealing with the residential flat, which stands in the name of the accused. In other words, the Applicant can offer some other security to the bank to avail of bank guarantee, provided, the security so offered is not owned by the accused.

4. Application is disposed of on the above terms.

5. Copy of this order be forwarded to the bankers of the Applicant to ensure that the bank guarantee to be issued in favour of the Applicant, is in compliance with the observations made in this order.

6. In the bank guarantee to be offered by the Applicant, the Bank should make reference to the order passed today. This condition is imposed only to reassure that this order is made known to the concerned bankers, who would issue bank guarantee for the Applicant.

A.M.KHANWILKAR, J.